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APR 26 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 14316US02

In the Application of:

Bindu Rama Rao et al.

Serial No.: 10/754,378

Filed: January 9, 2004

For: AUTHENTICATION OF
NOTIFICATIONS RECEIVED IN AN
ELECTRONIC DEVICE IN A MOBILE
SERVICES NETWORK

Examiner: To be assigned

Group Art Unit: 2131

CERTIFICATE OF FACSIMILE

Fax No.: 703-872-9306 & 703-305-8568

I hereby certify that this correspondence is
being transmitted by Facsimile transmission
to: Office of Petitions, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA
22313-1450 on April 26, 2004.

By: 

Fredrick T. French III

Reg. No. 52,524

Confirmation Number 7763

PETITION TO ENTER NONPUBLICATION REQUEST

Mail Stop Petitions
Deputy Commissioner of Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned representative, on behalf of the above-named Applicants, hereby respectfully petitions the Deputy Commissioner of Patents to grant this petition to enter the previously submitted Non-Publication request under 35 U.S.C. § 122(b)(2)(B)(i) for the following reasons.

In a paper mailed from the US Patent and Trademark Office on April 15, 2004 entitled NOTICE REGARDING NONPUBLICATION REQUEST, the Applicants' submitted

nonpublication request was acknowledged as being filed on January 9, 2004, along with the filing of the instant application pursuant to and in accordance with 35 U.S.C. § 122(b)(2)(B)(i).

The paper states that the Applicants have requested nonpublication and have certified that the invention disclosed in the above named application has not been and will not be the subject of an application filed in another country or under a multinational agreement requiring publication at eighteen months after filing.

The paper erringly states that the application has claimed the benefit of an application filed in another country or under a multinational agreement, making the above certification inconsistent. The Applicants respectfully disagree. The paper further states that "because the certification is inconsistent with the priority claim, the Office has scheduled the application for publication in accordance with 37 C.F.R. 1.211(a)". The Applicants respectfully traverse the Office decision.

The paper then states that if the Applicants consider the certification submitted with the application to be consistent with the priority claim and persists in requesting that the application not be published pursuant 37 C.F.R. 1.211(a), the Applicants have a non-extendable time period of thirty (30) days from the mail date of this notice to provide a satisfactory explanation as to how the certification submitted with this application is valid in light of the priority claim.

The Applicants respectfully disagree with the Office characterization that the application has claimed benefit of priority of an application filed in another country or under a multinational agreement. The Applicants respectfully point to first page of the application (attached and enclosed herewith) which sets forth a claim of priority to US Provisional Patent Application having serial number 60/438,870 and filed on January 9, 2003. The Applicants respectfully assert that the application does not claim priority to any other applications, either foreign or domestic.

The application goes on, (see enclosed page 1 of the instant application), to incorporate by reference PCT Application WO 02/41147 published on May 23 2002, and US Provisional Patent Applications 60/249,606 and 60/422,048 filed on November 17, 2000 and October 29, 2002, respectively. The Applicants respectfully submit that incorporation by reference is

different from claiming priority. Incorporation by reference provides information which may be useful to an Examiner in understanding a filed application. In contrast, a claim of priority is a continuation or a continuation in part of a previously filed application.

The Applicants also respectfully point to the Declaration filed on April 21, 2004, wherein on page 1 of the Declaration, a claim of priority is shown being made to US Provisional Application 60/438,870 filed on January 9, 2003, and no other applications, either foreign or domestic.

The Applicants respectfully submit that the filing receipt mailed from the Office on April 15, 2004 has incorrectly listed a claim of priority to PCT/US01/44034 filed 11/19/2001 also known as PCT Published Application WO 02/41147, which was published on May 23 2002. The Applicants respectfully submit that no claim of priority was made to the above named PCT application. The Applicants respectfully submit that the Applicants have only incorporated the above named application by reference.

The Applicants are not clear why the instant application was indicated to have claimed priority to the above named PCT application on the filing receipt mailed on April 15, 2004. The Applicants are submitting herewith (attached and enclosed) a copy of a corrected filing receipt being filed in ^{the} ~~an~~ Office concurrent with the instant petition.

For at least the reasons set forth above, the Applicant's representative respectfully requests that the Nonpublication Request submitted at the time of filing be honored and granted. The Applicants respectfully request that the instant petition be granted, that the Applicant's Nonpublication request be entered into the above-named application, and that all publication proceedings and processes in the Office be immediately stopped.

The Commissioner is authorized to charge any additional fees associated with the instant petition in the above named application to account number 13-0017, if necessary and as required to advance the petition.

Applicants respectfully request that the petition to enter the Nonpublication Request in connection with the above named application be granted.

Respectfully submitted,

Dated:

April 26, 2004

By:



Fredrick T. French III

Reg. No. 52,524

McAndrews, Held & Malloy, Ltd.
500 West Madison Street - Ste. 3400
Chicago, Illinois 60661
(312) 775-8000

Enclosures:

- Original filing receipt mailed on April 15, 2004
- Corrected filing receipt mailed on April 21, 2004
- Supplemental corrected filing receipt transmitted by fax on April 26, 2004
- Notice Regarding Nonpublication Request mailed on April 15, 2004
- Page 1 of the instant Non-Provisional Patent Application having US serial number 10/754,378
- Declaration for Patent Application and Power of Attorney mailed on April 21, 2004

COPY

14316US02



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UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/754,378	01/09/2004	2131	565	14316US02	6	40	2

CONFIRMATION NO. 7763

23446
 MCANDREWS HELD & MALLOY, LTD
 500 WEST MADISON STREET
 SUITE 3400
 CHICAGO, IL 60661

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APR 20 2004

McANDREWS, HELD & MALLOY

FILING RECEIPT

OC000000012375293

Date Mailed: 04/15/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Bindu Rama Rao, Residence Not Provided;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/438,870 01/09/2003

Foreign Applications

UNITED STATES OF AMERICA PCT/US01/44034 11/19/2001

If Required, Foreign Filing License Granted: 04/15/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ******Title**

Authentication of notifications received in an electronic device in a mobile services network

Preliminary Class

713

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

FROM McANDREWS, HELD, & MALLOY

(MON) 4/26/04 14:29/ST. 14:26/NO. 4861050427 P 8

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14316US02



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10/754,378	01/09/2004	2131	565	14316US02	5	40	2

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OC000000012375293

CONFIRMATION NO. 7763

Date Mailed: 04/15/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Bindu Rama Rao, ~~Residence Not Provided~~, LAGUNA NIQUEL, CA
SUNIL MAROLIA, DANA POINT, CA

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/438,870 01/09/2003

Foreign Applications

UNITED STATES OF AMERICA PCT/US01/44034 11/19/2001

If Required, Foreign Filing License Granted: 04/15/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Authentication of notifications received in an electronic device in a mobile services network

FROM McANDREWS, HELD, & MALLOY

(MON) 4. 26' 04 14:30/ST. 14:26/NO. 4861050427 P 9



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (b) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/754,378	01/09/2004	2131	565	14316US02	5	40	2

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APR 20 2004

McANDREWS, HELD & MALLOY

CONFIRMATION NO. 7763

FILING RECEIPT



0000000012375293

Date Mailed: 04/15/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Bindu Rama Rao, ~~Residence Not Provided~~, LAGUNA NIQUEL, CA
SUNIL MAROLIA, DANA POINT, CA

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/438,870 01/09/2003

Foreign Applications

~~UNITED STATES OF AMERICA PCT/US97/4034 11/19/2001~~

If Required, Foreign Filing License Granted: 04/15/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Authentication of notifications received in an electronic device in a mobile services network



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/754,378	01/09/2004	Bindu Rama Rao	14316US02

23446
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CONFIRMATION NO. 7763



OC000000012372820

Date Mailed: 04/15/2004

NOTICE REGARDING NONPUBLICATION REQUEST

The nonpublication request filed on 01/09/2004 is acknowledged.

- Applicant has requested non-publication, certifying that the invention disclosed in this application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing, and has also claimed the benefit of an application filed in another country or under a multilateral agreement. Because this certification is inconsistent with the priority claim, the Office has scheduled this application for publication in accordance with 37 CFR 1.211(a). If applicant considers the certification submitted with this application to be consistent with the priority claim and persists in requesting that this application not be published pursuant to 37 CFR 1.211, applicant has a non-extendable time period of thirty (30) days from the mail date of this notice to provide a satisfactory explanation as to how the certification submitted with this application is valid in light of the priority claim.

Questions regarding this notice may be directed to the Office of Initial Patent Examination at (703) 308-1202.

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"Express Mail" mailing label number EV 331533759 US

Date of Deposit: January 9, 2004

ATTORNEY DOCKET NO.: 14316US02

**AUTHENTICATION OF NOTIFICATIONS RECEIVED IN AN ELECTRONIC
DEVICE IN A MOBILE SERVICES NETWORK**

CROSS-REFERENCE TO OTHER APPLICATIONS

[0001] The present application claims the benefit of priority of U.S. Provisional Patent Application having serial number 60/438,870, filed on January 9, 2003, and hereby incorporates herein by reference the complete subject matter thereof in its entirety.

[0002] The present application also hereby incorporates herein by reference the complete subject matter of PCT Application having publication number WO 02/41147 A1, and having application number PCT/US01/44034, filed on November 19, 2001, in its entirety.

[0003] The present application also hereby incorporates herein by reference the complete subject matter of U.S. Provisional Patent Application having serial number 60/249,606, filed November 17, 2000, and U.S. Provisional Patent Application having serial number 60/422,048, filed October 29, 2002, in their respective entireties.

FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT

[0004] [Not Applicable]

[MICROFICHE/COPYRIGHT REFERENCE]

[0005] [Not Applicable]